

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

\_\_\_\_\_  
ZIM AMERICAN INTEGRATED  
SHIPPING SERVICES, INC.,

07 Civ. 8486 (JONES)

Plaintiff,

- against -

AFFIDAVIT

KX INDUSTRIES, L.P.,

Defendant.

\_\_\_\_\_  
X


STATE OF VIRGINIA                    )  
  ) ss:  
INDEPENDENT CITY                    )

ADRIENNE JAMES, being duly sworn, deposes and says:

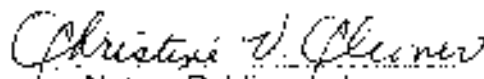
1. I am the Manager of Credit and Collections for ZIM AMERICAN INTEGRATED SHIPPING SERVICES, INC., the plaintiff in the referenced matter. As such, I am personally familiar with the facts and circumstances herein, and I make this affidavit in support of ZIM's Motion for Final Judgment by Default against defendant KX INDUSTRIES, L.P.

2. ZIM's records show that defendant KX INDUSTRIES, L.P. was the shipper of goods carried on plaintiff's Vessels, and is the party responsible to remit the ocean freight and related charges due as set forth in the Complaint. Such charges are true and accurate pursuant to ZIM's published tariff, are the responsibility of defendant KX INDUSTRIES, L.P.

Dated: Norfolk, Virginia  
November 27, 2007

  
Adrienne James

Sworn to before me this  
27<sup>th</sup> day of ~~November~~, 2007  
~~DECEMBER~~

  
Notary Public #191479  
My Commission Expires 1-31-10.

SOUTHERN DISTRICT OF NEW YORK

ZIM AMERICAN INTEGRATED  
SHIPPING SERVICES, INC.,

07 CIV. 8486 (BSJ)

Plaintiff,

- against -

KX INDUSTRIES, L.P.,

Defendant.

**AFFIDAVIT FOR  
JUDGMENT BY  
DEFAULT**

STATE OF NEW YORK

COUNTY OF NEW YORK

} SS.:

ALBERT J. AVALLONE, being duly sworn, deposes and says:

1. I am a member of the Bar of this Court and am a member of the firm of the Law Offices of Albert J. Avallone & Associates, attorneys for the plaintiff in the above entitled action, and I am familiar with all the facts and circumstances in this action.

2. I make this affidavit in support of plaintiff's application for the entry of a default judgment against defendant KX INDUSTRIES, L.P.

3. This is an action to recover unpaid ocean freight owed by defendant to plaintiff for the transportation of certain goods of the defendant by the plaintiff.

4. Jurisdiction of the subject matter of this action is based on maritime jurisdiction.

5. This action was commenced by the filing of a Summons and Complaint. A copy of the Summons and Complaint was served on defendant KX INDUSTRIES, L.P. on October 26, 2007 by personal service on Angie Farineau, and a proof of service was filed. The defendant has not answered the Complaint and the time for the defendant to answer the Complaint has expired.

6. This action seeks judgment for the liquidated amount of \$2,448.00 plus interest at 6% from the respective dates due, as shown by the annexed

Statement, which is justly due and owing, and no part of which has been paid except as therein set forth.

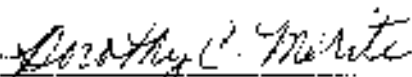
7. The disbursements sought to be taxed have been made in this action or will necessarily be made or incurred herein.

WHEREFORE, plaintiff requests the entry of Default and the entry of the annexed Judgment against defendant.

Dated: New York, New York  
December 18, 2007

  
ALBERT J. AVALLONE

Sworn to before me this  
18th day of December, 2007

  
Notary Public

DOROTHY C. MERILE  
Notary Public, State of New York  
No. 014001067  
Qualified in New York County  
My Commission Expires 2/18/10

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ZIM AMERICAN INTEGRATED  
SHIPPING SERVICES, INC.,

07 CIV. 8486 (BSJ)

Plaintiff,

- against -

KX INDUSTRIES, L.P.,

Defendant.  
-----X

STATE OF NEW YORK        }  
COUNTY OF NEW YORK      } SS.:

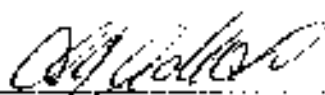
ALBERT J. AVALLONE, being duly sworn, deposes and says:

I am a member of the Bar of the Court and am a member of the firm  
of the Law Offices of Albert J. Avallone & Associates, attorneys for the plaintiff. As  
such, I am familiar with the facts and circumstances in the above entitled action.

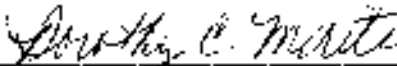
Jurisdiction of plaintiff's claim is based upon maritime jurisdiction.

In my opinion, this Court has jurisdiction over the person and subject  
matter of this action.

Dated: New York, New York  
December 18, 2007

  
ALBERT J. AVALLONE

Sworn to before me this  
18th day of December, 2007

  
Notary Public

DOROTHY C. MESITE  
Notary Public, State of New York  
No. 314261997  
Qualified in New York County  
My Commission Expires 12/18/10